UNITED STATES DISTRICT COURT WESTERN DISTRICT OF NORTH CAROLINA CHARLOTTE DIVISION 3:95-CR-178-MOC-1 3:18-CR-202-MOC-DSC-1

UNITED STATES OF AMERICA,)	
)	
)	
**)	OPPED
Vs.)	ORDER
TONY BERNARD ALEXANDER,)	
)	
Defendant.)	

THIS MATTER comes before the Court on Defendant's pro se "Motion for Credit Time Served." (3:95-cr-178, Doc. No. 730; 3:18-cr-202, Doc. No. 84). Defendant's motion has been filed in both of his criminal actions, which have been consolidated for appeal. Defendant's motions are both denied for the reasons stated in the Government's memoranda in opposition. That is, administrative decisions regarding credit for time served is left to the U.S. Bureau of Prisons, and Defendant has failed to demonstrate that he has exhausted his administrative remedies with the BOP. Thus, he must raise the issue with the BOP first. Moreover, even taking Defendant's assertions as true, he has only served approximately 31 months of a 40-month sentence, so he has 9 months more to serve, unless the BOP determines he should receive a modified release date.

ORDER

Defendant's pro se "Motion for Credit Time Served," (3:95-cr-178, Doc. No. 730; 3:18-cr-202, Doc. No. 84), is **DENIED**.

Signed: January 25, 2021

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United States District Judge

Case 3:95-cr-00178-MOC